

Introduced by Senator WaltersFebruary 18, 2011

An act to amend Section 3053.2 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 856, as introduced, Walters. Parole: domestic violence: sexual abuse: victim's rights.

Existing law requires, upon the request of the victim, or the victim's parent or legal guardian if the victim is a minor, the Board of Parole Hearings to impose as a condition of parole for a person released from prison for an offense involving threatening, stalking, sexually abusing, harassing, or violent acts in which the victim is a spouse, former spouse, or other victim of domestic violence, that the parolee comply with any protective orders related to the victim, as specified.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3053.2 of the Penal Code is amended to
- 2 read:
- 3 3053.2. (a) Upon the request of the victim, or the victim's
- 4 parent or legal guardian if the victim is a minor, the parole authority
- 5 shall impose the following condition on the parole of a person
- 6 released from prison for an offense involving threatening, stalking,
- 7 sexually abusing, harassing, or violent acts in which the victim is
- 8 a person specified in Section 6211 of the Family Code:

1 Compliance with a protective order enjoining the parolee from
2 threatening, stalking, sexually abusing, harassing, or taking further
3 violent acts against the victim and, if appropriate, compliance with
4 any or all of the following:

5 (1) An order prohibiting the parolee from having personal,
6 telephonic, electronic, media, or written contact with the victim.

7 (2) An order prohibiting the parolee from coming within at least
8 100 yards of the victim~~or~~, the victim's residence, or *the victim's*
9 workplace.

10 (3) An order excluding the parolee from the victim's residence.

11 (b) (1) The parole authority may impose the following condition
12 on the parole of a person released from prison for an offense
13 involving threatening, stalking, sexually abusing, harassing, or
14 violent acts in which the victim is a person specified in Section
15 6211 of the Family Code:

16 ~~For~~

17 (2) *For* persons who committed the offense prior to January 1,
18 1997, participation in a batterer's program, as specified in this
19 section, for the entire period of parole. For persons who committed
20 the offense after January 1, 1997, successful completion of a
21 batterer's program, which shall be a condition of release from
22 parole. If no batterer's program is available, another appropriate
23 counseling program designated by the parole agent or officer, for
24 a period of not less than one year, with weekly sessions of a
25 minimum of two hours of classroom time. The program director
26 shall give periodic progress reports to the parole agent or officer
27 at least every three months.

28 (c) The parole agent or officer shall refer the parolee only to a
29 batterer's program that follows the standards outlined in Section
30 1203.097 and immediately following sections.

31 (d) The parolee shall file proof of enrollment in a batterer's
32 program with the parole agent or officer within 30 days after the
33 first meeting with his or her parole agent or officer, if he or she
34 committed the offense after January 1, 1997, or within 30 days of
35 receiving notice of this parole condition, if he or she committed
36 the offense prior to January 1, 1997.

37 (e) The parole agent or officer shall conduct an initial assessment
38 of the parolee, which information shall be provided to the batterer's
39 program. The assessment shall include, but not be limited to, all
40 of the following:

- 1 (1) Social, economic, and family background.
- 2 (2) Education.
- 3 (3) Vocational achievements.
- 4 (4) Criminal history, prior incidents of violence, and arrest
- 5 reports.
- 6 (5) Medical history.
- 7 (6) Substance abuse history.
- 8 (7) Consultation with the probation officer.
- 9 (8) Verbal consultation with the victim, only if the victim desires
- 10 to participate.
- 11 (f) Upon request of the victim, the victim shall be notified of
- 12 the release of the parolee and the parolee's location and parole
- 13 agent or officer. If the victim requests notification, he or she shall
- 14 also be informed that attendance in any program does not guarantee
- 15 that an abuser will not be violent.
- 16 (g) The parole agent or officer shall advise the parolee that the
- 17 failure to enroll in a specified program, as directed, may be
- 18 considered a parole violation that would result in possible further
- 19 incarceration.
- 20 (h) The director of the batterer's program shall immediately
- 21 report any violation of the terms of the protective order issued
- 22 pursuant to paragraph (3) of subdivision (a), including any new
- 23 acts of violence or failure to comply with the program
- 24 requirements, to the parolee's parole agent or officer.
- 25 (i) Upon recommendation of the director of the batterer's
- 26 program, a parole agent or officer may require a parolee to
- 27 participate in additional sessions throughout the parole period,
- 28 unless he or she finds that it is not in the interests of justice to do
- 29 so. In deciding whether the parolee would benefit from more
- 30 sessions, the parole agent or officer shall consider whether any of
- 31 the following conditions exist:
- 32 (1) The parolee has been violence-free for a minimum of six
- 33 months.
- 34 (2) The parolee has cooperated and participated in the batterer's
- 35 program.
- 36 (3) The parolee demonstrates an understanding of, and practices,
- 37 positive conflict resolution skills.
- 38 (4) The parolee blames, degrades, or has committed acts that
- 39 dehumanize the victim or puts the victim's safety at risk, including,

1 but not limited to, molesting, stalking, striking, attacking,
2 threatening, sexually assaulting, or battering the victim.

3 (5) The parolee demonstrates an understanding that the use of
4 coercion or violent behavior to maintain dominance is unacceptable
5 in an intimate relationship.

6 (6) The parolee has made threats to harm another person in any
7 manner.

8 (7) The parolee demonstrates acceptance of responsibility for
9 the abusive behavior perpetrated against the victim.